

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 5th DAY JANUARY OF 2016
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: James I. Withers Chairperson
Alan M. Roper Commissioner
Dean Draper Commissioner

Pat Finlinson County Attorney
Marki Rowley County Clerk
Lesli Shields Deputy County Clerk

ALSO PRESENT: Sheri Dearden County Treasurer
Rob & Jill Droubay Citizens
Bart Whatcott East Millard Recreation
Amanda Allen Chronicle Progress
Deric Despain USU Extension

PURSUANT TO AN AGENDA WHICH HERETOFORE HAD BEEN PROVIDED TO each member of the governing body, posted at the principal office of the Millard County Commission, posted on the Utah Public Notice Website, and provided to the Millard County Chronicle Progress, a newspaper of general circulation within Millard County, Utah, as required by law, the following proceedings were had:

PUBLIC WAS WELCOMED

The meeting began at 10:00 a.m. after a brief welcome by Commissioner Withers to the public and Commission members.

OPENING STATEMENTS

Commissioner Withers asked if anyone had an opening statement to give. Commissioner Withers said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

APPROVAL OF DECEMBER 15, 2015, COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held December 15, 2015, were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Roper made a motion to approve the minutes of December 15, 2015, as corrected.

Commissioner Draper SECONDED the motion. The voting was unanimous and the motion carried.

FOLLOW UP ACTION ITEMS FROM DECEMBER 15, 2015

There were none.

APPOINTMENT OF COMMISSIONER DRAPER AS THE NEW COMMISSION CHAIRPERSON AND COMMISSIONER ROPER AS THE CHAIRPERSON PRO TEMPORE

Commissioner Roper made a motion to appoint Commissioner Draper as the new commission chairperson.

Commissioner Withers stepped from the chair and SECONDED the motion. The voting was passed by a majority vote.

Commissioner Roper made a motion to appoint Commissioner Roper as the new chairperson pro tempore.

Commissioner Withers stepped from the chair and SECONDED the motion. The voting was passed by a majority vote.

Commissioner Withers will continue as the commission chair through the rest of this meeting and Commissioner Draper will take the chair at the next commission meeting.

ASSIGNMENT OF COMMISSION DUTIES FOR 2016

Commissioner Withers presented the proposed duties and department assignments for each commissioner.

Commissioner Draper made a motion to approve the 2016 Commissioner Duties.

Commissioner Roper SECONDED the motion. The voting was unanimous and the motion carried. *See attachment.*

DISCLOSURE STATEMENTS

There were none.

RATIFY THE RENEWAL OF THE 2016 PREDATOR CONTROL CONTRACT WITH THE DEPARTMENT OF AGRICULTURE AND FOOD

Commissioner Draper made a motion to ratify the renewal of the 2016 Predator Control Contract with the Department of Agriculture and Food.

Commissioner Roper SECONDED the motion. The voting was unanimous and the motion carried.

REVIEW OF EQUESTRIAN PARK RULES AND REGULATIONS - BART WHATCOTT

Mr. Whatcott presented the commission with a proposed MOU between the Millard County School District and Millard County Recreation Departments. He asked the commission to review the MOU and add it to the next commission agenda. He briefly explained the MOU; the biggest change being the equality of the money split between East and West Millard Recreation.

Commissioner Withers asked Mr. Whatcott to provide a copy of the proposed MOU to Max Wood, West Millard Recreation, Kevin Morris, West Millard County Maintenance, and Casey Fowles, Golf Pro, for their review.

Mr. Whatcott discussed adjustments that will be made to the Equestrian Park policy, including rental rates. He will bring the final policy to the next commission meeting for discussion and possible approval.

Mr. Whatcott briefly explained some of the upcoming events at the Arena. He said that there is some work being done at the arena, including painting and fixing doors.

DISCUSSION OF PROPOSED ANNEXATION BY ROB DROUBAY

Attorney Finlinson said that this proposed annexation would leave an unincorporated island, which is illegal unless the legislative bodies of the county and the city agree to it. He said that this is also on the Delta City agenda for its approval to move forward with the annexation petition.

Mr. Droubay briefly explained the reason for requesting the proposed annexation. He said that the original sub-development is fed by a single six inch waterline that comes off of 750 North along the West side of the cemetery. He said that even with the homes that are currently there, there is not sufficient water volume and pressure for fire; when they develop there it would likely increase that insufficiency.

Mr. Droubay said that Sunrise Engineering recommended running a continuous loop off of that six inch waterline through some of his recently purchased property and back. He said that Mayor Bunker prefers the City to have control of the proposed waterline. He said that there are six families on 750 North and all would prefer their homes to continue being outside City limits. Those families are not opposed to having the annexation around them as long as they stay outside City limits in the County.

The commission asked several questions regarding the homes and roads in the area and Mr. Droubay answered all questions.

Commissioner Roper made a motion to grant the proposed annexation request.

Commissioner Draper SECONDED the motion. The voting was unanimous and the motion carried.

DISCUSSION REGARDING A REPLACEMENT FOR MAX WOOD, WEST MILLARD RECREATION

Commissioner Withers said that Max Wood, West Millard Recreation, is retiring March 31, 2016. He asked Attorney Finlinson to have Kaela Jackson, Deputy County Attorney/Human Resources, start the process of hiring that position. He would like that person in place by the 3rd week of March.

Attorney Finlinson will work on a resolution to amend County policy regarding hiring

department heads. He would like to have the resolution approved before hiring this position.

DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR WESTMINSTER COLLEGE OUTDOOR PROGRAM, OWNER - WESTMINSTER COLLEGE / JASON BLAUCH

A business license application was presented for Westminster College Outdoor Program, Owner - Westminster College/Jason Blauch, a college outdoor recreation program that is an education-base 501(c)3 offering students affordable camping, hiking and rock climbing trips in the West Desert. After review of the application and finding all signatures in order, Commissioner Draper made a motion to approve a business license for Westminster College Outdoor Program, Owner - Westminster College/Jason Blauch.

Commissioner Roper SECONDED the motion. The voting was unanimous and the motion carried.

A business license application was presented for Blauch Co LLC, DBA - Aspect Adventure, Owner - Jason Blauch, a corporate outdoor adventure event company offering clients team-building, camping, hiking and rock climbing trips on BLM land in the West Desert. After review of the application and finding all signatures in order, Commissioner Roper made a motion to approve a business license for Blauch Co LLC, DBA - Aspect Adventure, Owner - Jason Blauch.

Commissioner Draper SECONDED the motion. The voting was unanimous and the motion carried.

DISCUSSION AND POSSIBLE APPROVAL OF A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN MILLARD COUNTY AND THE DIVISION OF EMERGENCY MANAGEMENT (DEM), OFFICE OF OUTDOOR RECREATION

Commissioner Roper made a motion to strike this agenda item.

Commissioner Draper SECONDED the motion. The voting was unanimous and the motion carried.

CONSIDERATION AND POSSIBLE ADOPTION OF RESOLUTION 16-01-05, A RESOLUTION AUTHORIZING AN ANNUALLY RENEWABLE LEASE, A MASTER RESOLUTION, SECURITY DOCUMENTS AND THE ISSUANCE AND SALE BY THE AUTHORITY OF ITS LOCAL BUILDING AUTHORITY OF MILLARD COUNTY, UTAH LEASE REVENUE BOND, SERIES 2016 TO FINANCE THE COST OF ACQUISITION, CONSTRUCTION, FURNISHING OR LEASING A PUBLIC HEALTH CENTER AND RELATED FACILITIES; AND AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED

Attorney Finlinson said this document will enable the County to get CIB funding to help cover the cost of construction for the Public Health Building in Fillmore. This resolution authorizes the County to enter into a lease agreement with the Building Authority and to move forward on the issuance of bonds. He said that Auditor Grace has indicated that the plan is to issue the bonds, enter into a security agreement, pay the bonds immediately and then terminate the security agreement.

It was clarified that the County has to accept the loan in order to get the grant. Once the County receives the grant, the loan will be paid off immediately and the Building Authority can be dissolved.

Commissioner Roper made a motion to approve Resolution 16-01-05, a resolution authorizing an annually renewable lease, a master resolution, security documents and the issuance and sale by the authority of its local Building Authority of Millard County, Utah lease revenue bond, series 2016 to finance the cost of acquisition, construction, furnishing or leasing a public health center and related facilities; and authorizing the taking of all other actions necessary to the consummation of the transactions contemplated

Commissioner Withers stepped from the chair and SECONDED the motion. Clerk Rowley called for a roll call vote. Commissioner Roper voted YES. Commissioner Withers voted YES. Commissioner Draper voted YES. The voting was unanimous and the motion carried.

PUBLIC INPUT

Deric Despain, the newly hired USU Extension Agent, introduced himself to the commission. He explained that he has been the Agriculture Advisor at Snow Canyon High School for the last 12 years. He recently graduated from the University of Phoenix with a Doctorate in Education and Educational Leadership. He said that he has been married for 16 years and has 4 kids; he also retired two and a half years ago from the Utah Air National Guard after 20 years of service. He expressed his appreciation and excitement to the commission for this opportunity to serve as the USU Extension Agent for the County.

OTHER BUSINESS

Commissioner Draper said that he received an email from a firm in San Diego, California, asking who received the Resource Management Plan (RMP) contract. He later found that this firm looks at Requests for Proposal (RFP), nationwide and refers them to different engineering firms.

Commissioner Draper said that he was contacted by some citizens at the Baker Ranches in Garrison regarding the landfill transfer station. When the south wind comes up, litter from the transfer station covers the alfalfa crops. He suggested they construct a fence barricade on the North side of the dumpster, which would trap a good portion of that litter.

Commissioner Draper said that he has been informed that the engine for the main scraper at the County Landfill will need to be fixed or replaced.

Commissioner Draper said that residents at Sherwood Shores have asked for the roads to be looked at when the weather clears; the roadbase needs to be improved.

Commissioner Draper said that he has been approached about vouchers for predators. The County has \$1,000.00 to dispense at \$20.00 per voucher; he feels that the vouchers should be held for foxes and not raccoons.

Commissioner Roper said that he received a call from Senator Hatch's office in Washington D.C., regarding the 80 acre land issue in Eskdale. He was informed that it is being put on a self standing bill to get it through.

Commissioner Roper reported that Ashton's Custom Meats sent a thank you card to the County for its help with the Christmas Nativity. He said that Klint Penney, East Maintenance, pushed snow and added salt to the road leading up to Ashton's.

Commissioner Withers said that he received a letter from the BLM asking if the County is interested in being consulting partners on the Sevier Lake. Attorney Finlinson will review the letter and respond.

Commissioner Withers said that there is a BLM meeting January 13, 2016, at 9:00 a.m.. Commissioner Withers, Commissioner Roper and Attorney Finlinson will all attend this meeting.

Commissioner Draper said that the Utah Taxpayers Association meeting will be held at the Little America Hotel on January 11, 2016, at 9:00 a.m.. He said that several members of the Legislature will be there to discuss pending litigation on taxes. All three commissioners will attend this meeting.

Commissioner Withers said that Bryce Billing informed him that they are unloading another herd of sheep in Oak City on January 7, 2016, and invited the commission to come watch.

Commissioner Withers said that Auditor Grace asked him to announce that the IRS now pays \$0.54 cents per mile and \$46.00-\$57.00 per day for meals when traveling out of town. It is County policy to adopt the IRS rates each year.

DISCUSSIONS FROM EACH COMMISSIONER, COUNTY ATTORNEY, ELECTED OFFICIAL AND SECRETARY

Clerk Rowley asked the Commissioners if they want the transportation tax on the ballot this election year. She said she would find out the deadline for putting it on the ballot and inform the commission.

Commissioner Withers said that the commission will discuss this more at a later date.

Commissioner Roper said that four counties in the Six County area put it on their ballot last year. He was informed that the CIB application now asks if the County has the sales tax increase.

Commissioner Roper said that there are meetings scheduled in Delta on January 7, 2016, at 9:00 a.m., with Scott Barney, Economic Development Coordinator, and at 10:00 a.m., with Landon Rowley, County Fire Warden, to discuss the catastrophic fire situation.

POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

There was none.

POSSIBLE CLOSED MEETING PURSUANT TO UTAH CODE ANNOTATED SECTION 52-4-4&5

Commissioner Draper made a motion to go into a closed executive session for the purpose of discussing possible litigation.

Commissioner Roper SECONDED the motion. All three commissioners voted unanimously and the motion carried. Present in the closed session were Commissioners Withers, Draper and Roper, and Attorney Finlinson.

After the closed executive session the regular meeting reconvened at 11:11 a.m..

CONVENE AS THE MILLARD COUNTY BUILDING AUTHORITY

Commissioner Roper made a motion to convene as the Millard County Building Authority.

Commissioner Draper SECONDED the motion. The voting was unanimous and the motion carried. The Millard County Building Authority meeting began at 11:11 a.m..

CONSIDERATION AND POSSIBLE ADOPTION of RESOLUTION 16-01-05A, A RESOLUTION AUTHORIZING AN ANNUALLY RENEWABLE LEASE, A MASTER RESOLUTION, SECURITY DOCUMENTS AND THE ISSUANCE AND SALE BY THE AUTHORITY OF ITS LOCAL BUILDING AUTHORITY OF MILLARD COUNTY, UTAH LEASE REVENUE BOND, SERIES 2016 TO FINANCE THE COST OF ACQUISITION, CONSTRUCTION AND FURNISHING OF A PUBLIC HEALTH CENTER AND RELATED FACILITIES; CALLING OF A PUBLIC HEARING TO RECEIVE INPUT WITH RESPECT TO THE ISSUANCE OF LEASE REVENUE BONDS AND ANY IMPACT TO THE PRIVATE SECTOR FROM THE CONSTRUCTION OF THE FACILITY TO BE FUNDED BY THE BONDS; AND AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED

Attorney Finlinson stated that the Millard County Building Authority was authorized on May 28, 2015, and created October 2015.

Attorney Finlinson said that this resolution is essentially the same as Resolution 16-01-05, that was approved earlier in the meeting, but needs to be approved as the Building Authority. The two parties involved are the County and the County Building Authority.

Commissioner Roper made a motion to approve Resolution 16-01-05A, a resolution authorizing an annually renewable lease, a master resolution, security documents and the issuance and sale by the authority of its local Building Authority of Millard County, Utah lease revenue bond, series 2016 to finance the cost of acquisition, construction and furnishing of a public health center and related facilities; calling of a public hearing to receive input with respect to the issuance of lease revenue bonds and any impact to the private sector from the construction of the facility to be funded by the bonds; and authorizing the taking of all other actions necessary to the consummation of the transactions contemplated

Commissioner Withers stepped from chair and SECONDED the motion. Clerk Rowley

called for a roll call vote. Commissioner Withers voted YES. Commissioner Roper voted YES. Commissioner Draper voted YES. The voting was unanimous and the motion carried.

Commissioner Draper made a motion to adjourn the meeting of the Millard County Building Authority.

Commissioner Roper SECONDED the motion. The voting was unanimous and the motion carried. The Millard County Building Authority meeting ended at 11:14 a.m..

WHERE UPON THE MEETING ADJOURNED

Commissioner Roper made a motion to adjourn the meeting.

Commissioner Draper SECONDED the motion. The voting was unanimous and the meeting adjourned at 11:14 a.m..

Attest: _____

Approved: _____